

# IN THE HIGH COURT OF SINDH, BENCH AT SUKKUR

Cr. Bail Application No.D- 43of 2025

**Present:-** Amjad Ali Bohio &  
Ali Haider 'Ada', JJ

Applicant: PC Wazeer Ali through  
Mr. Kamran Ahmed Gorar, Advocate

Respondent: State through Aftab Ahmed Shar, APG

Date of hearing: **18.06.2025**

Dated of order: **18.06.2025**

## **ORDER**

**Amjad Ali Bohio, J:** Applicant/accused Wazeer Ali, son of Ali Anwar, by caste Jamali, seeks post-arrest bail in Crime No.113 of 2025, registered at Police Station A-Section Dadu, for an offence punishable under Section 25 of the Sindh Arms Act, 2013.

2. A bail application was earlier moved on behalf of the applicant before the learned Anti-Terrorism Court, Naushahro Feroze, which was dismissed vide order dated 07.05.2025. Hence, the present post-arrest bail application has been filed before this Court.

3. As per the prosecution's version, on 22.04.2025 at about 2230 hours, the applicant, along with two co-accused, was apprehended by the police during patrolling near Qasim Khushik Patrol Pump, Dadu. Upon personal search, an unlicensed 30-bore pistol, reportedly in working condition and loaded with two live rounds was allegedly recovered from the present applicant. The FIR further alleges that the recovered weapon was used in the commission of the offence reported in main Crime No.107 of 2025 of Police Station A-Section Dadu, registered under Sections 6/7 of the Anti-Terrorism Act (ATA) and various provisions of the Pakistan Penal Code (PPC). Consequently, a separate FIR, bearing Crime No.113 of 2025, was registered under Section 25 of the Sindh Arms Act, 2013.

4. Learned counsel for the applicant contended that the applicant has been falsely implicated due to political rivalry and prior protests by his community concerning water-related grievances, which have strained their relations with the local police. He submitted that the alleged recovery is fabricated, as the main incident in Crime No.107/2025 allegedly took place

on 21.04.2025, while the present recovery was made on 22.04.2025, raising serious doubt about the continuity of possession of the same weapon. He further argued that all recovery witnesses are police officials, and no private mashir was associated with the recovery proceedings, thereby undermining the credibility of the prosecution's version. Lastly, it was submitted that the applicant has already been granted bail in the main case (Criminal Bail Application No.D-42 of 2025), and is no longer required for investigation in the present matter.

5. Conversely, the learned Additional Prosecutor General opposed the bail plea, arguing that the recovery of an unlicensed firearm is a serious offence and that the said weapon is allegedly linked to a prior act of terrorism.

6. From a tentative assessment of the material available on record, it appears that the case against the applicant requires further inquiry within the meaning of Section 497(2), Cr.P.C. The absence of any private witnesses in the recovery proceedings, despite the incident allegedly occurring at a public place, and the fact that all mashirs are subordinate police officials, cast doubt on the transparency of the recovery. Moreover, the recovery took place after the alleged occurrence of the main offence, which raises questions regarding the continuity of possession and its alleged use in the earlier crime.

7. Additionally, the applicant has already been granted bail in the main case (Crime No.107 of 2025) vide order dated 18.06.2025 in Criminal Bail Application No.D-42 of 2025. The instant matter being a derivative of that case, the principles enunciated in the case of Sajjad Ali Maitlo v. The State (2022 P Cr. L J Note 74) are applicable, wherein it was held that when an accused is granted bail in the principal offence, bail in the connected recovery case should also be considered a matter of further inquiry.

8. The applicant is not shown to be a previously convicted or habitual offender. There is no material to suggest that he is likely to tamper with the prosecution evidence or abscond. Since the investigation is complete, his continued incarceration serves no useful purpose at this stage.

9. In view of the foregoing, the applicant has made out a case for the grant of bail. Consequently, Criminal Bail Application No.D-43 of 2025 is

allowed. The applicant, Wazeer Ali son of Ali Anwar Jamali, is admitted to post-arrest bail, subject to his furnishing solvent surety in the sum of Rs.50,000/- and a P.R. bond in the like amount to the satisfaction of the learned trial Court.

10. Needless to mention, the observations made herein are tentative in nature and shall not prejudice the case of either party during the trial. Criminal Bail Application No.D-43 of 2025 is accordingly disposed of in the above terms.

11. These are the reasons for the short order announced on 18.06.2025.

JUDGE

JUDGE

Naveed Ali